GOVERNMENT OF KARNATAKA

SOCIAL WELFARE AND LABOUR DEPARTMENT

Labour Dispute.—Industrial Dispute between the workmen and the management of Sri Srivarama Chettiyar, Lorry owner, Puttur, South Kanara District.

Award of the Labour Court, Mangalore, Published.

Read the following Papers.

(1) Letter No. A/ID. 41/74-75, dated 26th September 1974, from Sri H. S. Venkatasubbaiah, Presiding Officer, Labour Court, Mangalore.

BEFORE THE LABOUR COURT AT MANGALORE

Dated 25th September 1974.

Reference (ID) (LCM) No. 41 of 1973

Present

H. S. VENKATASUBBAIAH, B. A., LL.B.,
Presiding Officer

BETWEEN

IParty—The workmen, represented by the Secretary, Mangalore workers Union, Bolar, Mangalore.

and

II Party—The Management of Sri Shivarama Chettiyar, Lorry Owner, Puttur, South Kanara.

AWARD

The Government of Karnataka being of the opinion that an Industrial Dispute exists between the workmen and the management of Sri. Shivarama Chettiyar, Lorry Owner, Puttur, have referred the same for adjudication to this court by their Order No. S W L 609 L L D 73 dated 2nd August 1973, under Section 10 (1) (c) of the Industrial Disputes Act, 1947. The points of dispute as specified in the Order of reference are the following;—

(i) Are the Management of Sri Shivarama Chettiyar Puttur Town, S. K.District justified in refusing employment to Sri Appanna Shetty, Driver from 1st March 1972?

(ii) If not to what relief the said workman is entitled?

2. The claim of the first party workman, in short, is that he had been serving under the II Party management as a lorry driver from 1960 and that on August 1971 the first party workman fell ill and he recouped from the illness at the end o February 1972 and that he had orally informed the fact to the II party and that on 1st March 1972 when the I party presented himself for duty he was refused employment and the same was unjust and illegal.

3. On the other hand, the case of the II party is that the first party had left the service of the II party when the registration certificate of the lorry No. MYZ 4041 was surrendered on 30th June 1967 and the lorry was not put on road till 17th March 1970 and that after 17th March 1970 he was never engaged as a driver by the II Party except on one or two occasions as a substitute for a day or two. It is contended that the I Party workman was being engaged by different lorry owners at different times and he never worked regularly under any single employer and that there is no refusal of employment. On the pleadings, the necessary additional issues were framed.

4. To-day both the parties filed a Joint Memo of Settlement. As per the terms of the settlement, the I Party has accepted to receive a sum of Rs. 275 (Rupees two hundred and seventy five only) in full and final settlement of all his claims including the claim of reinstatement with backwages. It is also agreed that the said sum will be paid by the II Party after six months from the date of this settlement. The terms of the Joint Memo appears to be reasonable and equitable in view of the fact that the second party is in straightened circumstances. Hence the same is accepted.

5. In the result, I pass an Award in terms of the Joint Memo filed by the parties. The Joint Memo shall form part of the Award. No order as to costs.

Mangalore.
Dated : 24-9-1974.

H. S. VENKATASUBBAIAH,
Presiding Officer,
Labour Court, Mangalore.